APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,878	12/28/2000	Chin-Wei Liang	E0903	8470

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EXAMINER
HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
2665	3

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *28 December 2000*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-13* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-13* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage

         application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   An initialed and dated copy of Applicant's IDS form 1449 is attached to the

instant Office action.

Specification

2.   The abstract of the disclosure is objected to because of the last line

("G:\DOCUMENT\JP\AMDS\P371US\P0371US.APP.wpd"). Correction is

required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

5.   The claims are generally narrative and indefinite, failing to conform with

current U.S. practice. They appear to be a literal translation into English from a

foreign document and are replete with grammatical and idiomatic errors.

For example, "extracting, from each of at least some of the incoming frames, both

a source node address corresponding to a source node of the frame, and between

the network node and the source node" in line 5–7 is indefinite.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claim 1–13 are rejected under 35 U.S.C. 102(e) as being anticipated by

Ptasinski et al. (US Pub. 2002/0041570).

In regarding to claim 1, Ptasinski teaches a method of setting a sending

transmit rate for transmitting an outgoing data frame from a network node along a

network which includes telephone wiring as a network medium, the method.

comprising: receiving incoming frames 600 from the other nodes; extracting, from

each of at least some of the incoming frames, both a source node address

(CSA_SA in Figure 45) corresponding to a source node of the frame, and between

the network node and the source node; storing, in a storage device at the network

node, a look-up table with multiple entries, each of the entries including a desirable

transmission rate and a corresponding node address, wherein the storing includes

storing the source node addresses and the desirable transmission rates extracted

from each of the at least some of the incoming frames [0195]; and determining the

sending transmit rate for an outgoing frame sent to a destination node having a

outgoing frame destination address, the determining the sending transmit rate for

the outgoing frame including: comparing the outgoing frame destination address to

the node addresses stored in the storage device to determine whether a

corresponding entry exists in the storage device which corresponds to the outgoing

frame destination node; and if the corresponding entry exists, setting the sending

transmit rate equal to the desirable transmission rate of the entry [0202]

In regarding to claim 2, Ptasinski teaches the determining including, if the

corresponding entry in the storage device does not exist, setting the sending

transmit rate equal to a default rate [0211].

In regarding to claim 3, Ptasinski teaches communicating the sending

transmit rate to one or more physical layer devices 320 of the network node [0194].

In regarding to claim 4, Ptasinski teaches the extracting including

determining whether the incoming frame is a specialized capability announcement

frame, (Figure 37) and extracting desirable transmission rate information from the

capability announcement frames (Figure 45, [0195]).

In regarding to claim 5, Ptasinski teaches the storing including examining

the entries in the storage device to determine if a corresponding entry is present in

the storage device, which corresponds to the source node address of a respective of

the incoming frames from which the information related to desirable transmission

rates was extracted [0197].

In regarding to claim 6, Ptasinski teaches the storing including, if the

corresponding entry is present, updating the corresponding entry [0195].

In regarding to claim 7, Ptasinski teaches the storing including, if the

corresponding entry is not present, adding a new entry or replacing an existing

entry [0197].

In regarding to claim 8, Ptasinski teaches the extracting including

determining (Figure 37) whether the incoming frame is a capability and status

announcement (CSA) frame (Figure 37, SSTYPE=3), or is a rate request control

frame (RRCF) (Figure 37, SSTYPE=1) with a RRCF destination address

corresponding to the network node, and extracting desirable transmission rate

information from the CSA frames [0195] and the RRCFs with a RRCF destination

address corresponding to the network node (Figure 39, [0177]).

In regarding to claim 9, Ptasinski teaches communicating the sending

transmit rate to one or more physical layer devices 320 of the network node [0194].

In regarding to claim 10, Ptasinski teaches the determining including, if the corresponding entry in the storage device does not exist, setting the sending transmit rate equal to a default rate [0211].

In regarding to claim 11, Ptasinski teaches the storing including examining the entries in the storage device to determine if a corresponding entry is present in the storage device, which corresponds to the source node address of a respective of the incoming frames from which the information related to desirable transmission rates was extracted [0197].

In regarding to claim 12, Ptasinski teaches the storing including, if the corresponding entry is present, updating the corresponding entry [0195].

In regarding to claim 13, Ptasinski teaches the storing including, if the corresponding entry is not present, adding a new entry or replacing an existing entry [0197].

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the network device in general.

U.S. Patent 6,046,979 to Bauman

U.S. Patent 6,597,662 to Kumar et al.

U.S. Patent 6,665,273 to Goguen et al.

U.S. Pub. 2002/0097684 to Das et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (703) 305-0372. The examiner can normally be reached on Monday-Friday 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clemence Han
Examiner
Art Unit 2665

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600